

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Terry Heggs,

Case No. 21-cv-0756 (WMW/JFD)

Plaintiff,

v.

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND  
RECOMMENDATION**

Olmsted County, Mr. Hill, and R.P.D,

Defendants.

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Before the Court is United States Magistrate Judge John F. Docherty's March 24, 2022 Report and Recommendation (R&R). (Dkt. 44.) The R&R recommends granting Defendants' motions to dismiss and dismissing with prejudice Plaintiff Terry Heggs's complaint.

A district court reviews *de novo* those portions of a R&R to which timely objections are filed. 28 U.S.C § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3); LR 72.2(b)(3). The district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). An objection to a R&R must specify the nature of the objection and the grounds for doing so. *Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015). In the absence of specific objections, *de novo* review is not required, and a district court reviews the R&R for clear error. *See id.* (observing that objections to a R&R that "are not specific but merely repeat arguments presented to and considered by a magistrate judge are not entitled to *de novo* review, but rather are reviewed for clear error"). Because Heggs is proceeding *pro se*, the Court construes his objections liberally. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

Heggs filed two almost identical one-paragraph letters in response to the R&R. Construing these filings liberally, the Court addresses the letters as Heggs's untimely objections to the R&R, which the Court may consider. *See Prewitt v. Reiser*, No. 13-2866 (JRT/LIB), 2014 WL 5325356, at \*5 n.3 (D. Minn. Oct. 20, 2014) (explaining that "the deadline for filing objections is not jurisdictional, and late-filed objections can be considered where the filing is not egregiously late and causes no prejudice to any adverse party" (internal quotation marks omitted)); *Grant v. Cent. Intel. Agency*, No. 19-2931 (ECT/HB), 2020 WL 759950, at \*1 (D. Minn. Feb. 14, 2020) (considering objection filed five days late because party was "proceeding pro se and he was late by only a few days"). However, because Heggs's objections lack specificity, the Court reviews the R&R for clear error. *See Montgomery*, 98 F. Supp. 3d at 1017. Having reviewed the R&R, the Court finds no clear error. The Court, therefore, overrules Heggs's objections, adopts the R&R in its entirety and dismisses Heggs's complaint with prejudice.

### **ORDER**

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Plaintiff Terry Heggs's objections, (Dkts. 45, 48), are **OVERRULED**.
2. The March 24, 2022 Report and Recommendation, (Dkt. 44), is **ADOPTED**.
3. Defendant R.P.D.'s motion to dismiss, (Dkt. 20), is **GRANTED**.
4. Defendants Olmsted County and Mr. Hill's motion to dismiss, (Dkt. 28), is **GRANTED**.

5. Plaintiff Terry Heggs's complaint, (Dkt. 1), is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 23, 2022

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge